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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,550	05/21/2007	Giovanni Stefani	292784US6PCT	9838

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
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EXAMINER

YABUT, DANIEL D

ART UNIT	PAPER NUMBER
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3656

NOTIFICATION DATE	DELIVERY MODE
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10/24/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/583,550	Applicant(s) STEFANI, GIOVANNI	
	Examiner DANIEL YABUT	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 25,35 and 36 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 25,35 and 36 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☒ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/16/2010 has been entered.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The recitations "first guide" recited in claims 25, 35 and 36 in line 10 of each claim; "first clamp" recited on line 15 of claim 25; "first actuator device" recited on line 17 of claim 25; "plurality of first clamping members" recited in line 20 of claim 25; "first actuator" recited in line 22 of claim 25; "second actuator" recited in lines 23-24 of claim 25; "second clamp" recited in line 15 of claim 35; "second actuator device" recited in line 17 of claim 35; "plurality of second clamping members" recited in line 20 of claim 35; "third actuator" recited in line 22 of claim 35; "fourth actuator" recited in line 24 of claim 35; "second axis of fulcrum" recited in line 16 of claim 36; "third clamp" recited in line 18 of claim 36; and "third actuator device" recited in line 19 of claim 36 lack proper antecedent basis in the specification.

Applicant is reminded of the proper language and format for the disclosure. It should avoid using phrases which can be implied, such as, "as provided as claimed in claim 1" (pg. 3 ll. 11-12), etc.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the third clamp as recited in claim 36 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to because view numbers must be preceded by the abbreviation "FIG." (caps) in accordance with 37 CFR §1.84(u)(1).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

Art Unit: 3656

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 35 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 recites the limitations "second clamp," "second actuator device," "second position of clamping," "second position of release," "plurality of second clamping members," "third actuator," and "fourth actuator" in lines 14, 15, 16, 18, 20 and 22, respectively. It is unclear as to whether or not this language implies a first clamp and first actuator device, for example, but no such limitation is included in the claim. As such, there is insufficient antecedent basis for this limitation in the claim.

Claim 36 recites the limitations "second axis," "third clamp," "third actuator device," "third position of clamping," and "third position of release" in lines 15, 17, 18, 19 and 20, respectively. It is unclear as to whether or not this language implies a first clamp and first actuator device, for example, but no such limitation is included in the claim. As such, there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

Claims 25, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brock (US Patent 6,443,028) in view of Brero (FR 2611832 A3) and further in view of Muyleck (US Patent 3,975,972).

Art Unit: 3656

Brock discloses an adjustable set of pedals for a motor vehicle (Fig. 1) comprising a(n):

Re claim 25

- First pedal (38) for braking of the motor vehicle
- Second pedal (34) for acceleration of the motor vehicle
- Slide (24) pivotally supporting the first and second pedals
- Adjustment device (48, 12) for controlling selectively the position of the slide with respect to a frame (100) of the motor vehicle and comprising an elongated crank mechanism (12) having one end (24) mounted at set between the slide and another end (20) mounted at the frame
- Adjustment device comprising:
 - First guide (48) extending in a first direction and slidably supporting the slide which is slidably mobile along the first guide (col. 4 ll. 31-42)
 - Control rod (46) parallel to the first direction, slidably engaged through the first pedal, and connectable with the first pedal for actuating a braking device of the motor vehicle upon pivotal movement of the first pedal relative to the slide (col. 4 ll. 21-30)

Although Brock discloses the use of a first ball screw (48) actuatable to be mounted for blocking the sliding movement of the slide along the first guide (col. 4 ll. 5-7), Brock does not expressly disclose a first clamp actuatable to be clamped for blocking the sliding movement of the slide along the first guide, a first actuator device for actuating the first clamp between a first position of clamping of the slide along the first guide and a first position of release, wherein the first clamp comprises a plurality of first

clamping members carried by the slide, distributed around the first guide, and mobile away from and towards the first guide, and the first actuator device comprising a first actuator for displacing the first clamping members from the first position of clamping to the first position of release, and a second actuator for displacing the first clamping members from the first position of release to the first clamping position.

Brero teaches a first clamp (12) actuatable to be clamped for blocking sliding movement of a slide (4) along a first guide (11), a first actuator device (13, 16, 18) for actuating the first clamp between a first position of clamping of the slide along the first guide and a first position of release (pg. 2, ¶ 9, ll. 1-11; Fig. 2 and 3), wherein the first clamp comprises a plurality of first clamping members (14) carried by the slide, distributed around the first guide, and mobile away from and towards the first guide (Fig. 2, 3), and the first actuator device comprising a first actuator (16) for displacing the first clamping members from the first position of clamping to the first position of release, and a second actuator (18) for displacing the first clamping members from the first position of release to the first clamping position for the purpose of providing a manual adjusting device that allows for quick adjustment (pg. 1, ¶ 9-10).

It would have been obvious to one having ordinary skill in the art at the time of the invention to alternatively provide a first clamp actuatable to be clamped for blocking the sliding movement of the slide along the first guide, a first actuator device for actuating the first clamp between a first position of clamping of the slide along the first guide and a first position of release, wherein the first clamp comprises a plurality of first clamping members carried by the slide, distributed around the first guide, and mobile away from and towards the first guide, and the first actuator device comprising a first

Art Unit: 3656

actuator for displacing the first clamping members from the first position of clamping to the first position of release, and a second actuator for displacing the first clamping members from the first position of release to the first clamping position, as taught by Brero, replacing the first ball screw of Brock for the purpose of providing a manual adjusting device that allows for quick adjustment.

Brock as modified above does not expressly disclose the first actuator device including a cable for actuating the first clamp.

Muhleck teaches a first actuator device (120, 116, 94, 86) including a cable (116) for actuating a first clamp (84; col. 5 ll. 31-42, ll. 55-62) for the purpose of providing a convenient means to the driver for facilitating the adjustment of the pedals (col. 1 ll. 32-37).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Brock as modified above to have the first actuator device including a cable for actuating the first clamp, as taught by Muleck, for the purpose of providing a convenient means to the driver for facilitating the adjustment of the pedals.

Brock as modified above further discloses the following:

Re claim 35

- First pedal (38) for braking of the motor vehicle
- Second pedal (34) for acceleration of the motor vehicle
- Slide (24) pivotally supporting the first and second pedals
- Adjustment device (48, 12) for controlling selectively the position of the slide with respect to a frame (100) of the motor vehicle and comprising an elongated crank mechanism (12) having one end (24) mounted at set between

Art Unit: 3656

the slide and another end (20) mounted at the frame; the adjustment device comprising:

- First guide (48) extending in a first direction and slidably supporting the slide which is slidably mobile along the first guide
- Control rod (46) parallel to the first direction, slidably engaged through the first pedal (col. 3 ll. 63-67), and connectable with the first pedal for actuating a braking device of the motor vehicle upon pivotal movement of the first pedal relative to the slide (col. 4 ll. 21-30)

Although Brock as modified above discloses the use of a second ball screw (44) for blocking the sliding movement of the first pedal along the control rod (col. 4 ll. 61-66) and a second actuator device (inner threads of 44) to actuate the second ball screw (44) along the control rod, wherein the second ball screw is carried by the first pedal (42), Brock as modified above does not expressly disclose a second clamp actuatable to be clamped, second actuator device to actuate the second clamp between a second position of clamping along the control rod and a second position of release, second clamp comprises a plurality of second clamping members, distributed around the control rod, and mobile away from and towards the control rod, and the second actuator device comprises a third actuator for displacing the second clamping members from the second position of clamping to the second position of release, and a fourth actuator for displacing the second clamping members from the second position of release to the second clamping position.

Brero teaches a second clamp (12) actuatable to be clamped, second actuator device (13, 16, 18) to actuate the second clamp between a second position of clamping

(Fig. 2) along a control rod (11) and a second position of release (Fig. 3), the second clamp comprising a plurality of second clamping members (14) distributed around the control rod, and mobile away from and towards the control rod (Fig. 3), and the second actuator device comprises a third actuator (16) for displacing the second clamping members from the second position of clamping to the second position of release, and a fourth actuator (18) for displacing the second clamping members from the second position of release to the second clamping position for the purpose of providing a manual adjusting device that allows for quick adjustment (pg. 1, ¶¶ 9-10).

It would have been obvious to one having ordinary skill in the art at the time of the invention to alternatively provide a second clamp actuable to be clamped, second actuator device to actuate the second clamp between a second position of clamping along the control rod and a second position of release, second clamp comprises a plurality of second clamping members, distributed around the control rod, and mobile away from and towards the control rod, and the second actuator device comprises a third actuator for displacing the second clamping members from the second position of clamping to the second position of release, and a fourth actuator for displacing the second clamping members from the second position of release to the second clamping position, as taught by Brero, replacing the second ball screw of Brock as modified above for the purpose of providing a manual adjusting device that allows for quick adjustment.

Brock as modified above does not expressly disclose the second actuator device including a cable for actuating the second clamp.

Muhleck teaches a second actuator device (120, 116, 94, 86) including a cable (116) for actuating a second clamp (84; col. 5 ll. 31-42, ll. 55-62) for the purpose of

Art Unit: 3656

providing a convenient means to the driver for facilitating the adjustment of the pedals (col. 1 ll. 32-37).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Brock as modified above to have the second actuator device including a cable for actuating the second clamp, as taught by Muleck, for the purpose of providing a convenient means to the driver for facilitating the adjustment of the pedals.

Brock as modified above further discloses the following:

Re claim 36

- First pedal (38) for braking of the motor vehicle
- Second pedal (34) for acceleration of the motor vehicle
- Slide (24) pivotally supporting the first and second pedals
- Adjustment device (48, 12) for controlling selectively the position of the slide with respect to a frame of the motor vehicle and comprising an elongated crank (100) mechanism having one end (24) mounted at set between the slide and another end (20) mounted at the frame; the adjustment device comprising:
 - First guide (48) extending in a first direction and supporting the slide which is mobile along the first guide
 - Control rod (46) parallel to the first direction, slidably engaged through the first pedal, and connectable with the first pedal for actuating a braking device of the motor vehicle pivotal movement of the first pedal relative to the slide (col. 4 ll. 21-30)
 - First pedal is rotatably mounted on the slide for oscillating about a second axis (26) of fulcrum

Art Unit: 3656

- Third clamp (12; Brero) provided for blocking angularly the first pedal about the axis of fulcrum (col. 4 ll. 50-67; col. 5 ll. 1-3; Fig. 6-7), and a third actuator device (13, 16, 18; Brero) including a cable (116; Muhleck) and designed to actuate the third clamp between a third position of clamping of the first pedal about the second axis of fulcrum and a third position of release (Fig. 2-3; Brero)

Response to Arguments

Applicant's arguments with respect to claims 25, 35 and 36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL YABUT whose telephone number is (571)270-5526. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard W. Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3656

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL YABUT/

Examiner, Art Unit 3656

10/17/2011

/Justin Krause/

Primary Examiner, Art Unit 3656